

Minutes
Otay Ranch POM Preserve Management Team Meeting
County Administration Center, Tower 7
1600 Pacific Highway
San Diego, CA 92101

January 9, 2008
4:00-5:00pm

Approved by POM PMT on 03/07/08
Motion to approve by City of Chula Vista/SCOTT TULLOCH
Motion Seconded by County of San Diego/CHANDRA WALLAR
Motion carried.

ATTENDEES:

City of Chula Vista

Scott Tulloch, Assistant City Manager
Ed Batchelder, Advance Planning Manager
Marisa Lundstedt, Principal Planner
Josie McNeeley, Associate Planner

County of San Diego

Michael De La Rosa, District 1, Policy Advisor
Chandra Wallar, Deputy Chief Administrative Officer, Land Use & Env. Group
Claudia Anzures, County Counsel
Renée Bahl, Director, Department of Parks and Recreation (DPR)
Brian Albright, Assistant Director, DPR
Maeve Hanley, Group Program Manager, DPR
Cheryl Goddard, Land Use Environmental Planner, DPR
Dahvia Lynch, Group Program Manager, Department of Planning and Land Use

Public

Tom Tomlinson, McMillin
Justin Craig, McMillin
Curt Noland, Otay Land Company
Bob Penner, Otay Land Company
Kim Kilkenny, Otay Ranch Company
Rob Cameron, Otay Ranch Company
Ranie Hunter, Otay Ranch Company
Sean Kilkenny, Otay Ranch Company
Don Ross, Otay Ranch Company
Michael Beck, Endangered Habitat League

Lindsey Cavallaro, EDAW

ATTACHMENT A – Meeting Sign-in Sheet

Agenda Item Numbers noted in parentheses

1. **Call to Order**
(I.) Meeting called to order at 4:05 p.m. by County of San Diego/CHANDRA WALLAR
2. **Approval of Preserve Management Team (PMT) Meeting Minutes of September 11, 2007**
(II.) City of Chula Vista/SCOTT TULLOCH motioned to approve the meeting minutes. Motion seconded by WALLAR. Motion carried.
3. **Public Comment on items not related to Agenda**
(III.) WALLAR opened and closed with no comment.
4. **Non-Otay Ranch Project Mitigation Land Program**
(IV.) County of San Diego/MAEVE HANLEY stated that POM Staff developed eligibility and review criteria for non-Otay Ranch mitigation land. These criteria are to be used by the POM in considering management of such land. Eligibility criteria include 1) Land must be located within the Otay Ranch Preserve boundary; 2) Applicant must be able to demonstrate that it is feasible to enter into a contractual agreement with the POM. The agreement would be based on the understanding that Applicant retains ownership of land and POM agrees to manage land to Otay Ranch Phase 2 Resource Management Plan (RMP) and Long-Term Implementation Program standards. POM and Applicant to execute contract, contract term to be determined; 3) Applicant must submit a Property Analysis Record (PAR) or similar cost analysis which includes an abbreviated habitat/resource tasks, detailed cost analysis, and annual work plans/budgets. The cost analysis must be acceptable to both the City and the County; 4) Applicant must meet POM Land Management Standards; 5) Land is free of environmental contamination liabilities; and 6) Applicant must provide evidence that legal and physical access have been obtained. Additionally the POM would take into consideration the subject land's adjacency to land currently being managed by the POM and the payment proposal.

WALLAR asked if there were any questions on this item. She stated that the County is concerned that we have adequate protections regarding the cost of long-term management of the land. If there is not enough funding, the costs cannot be absorbed by the Otay Ranch CFD. That would not be fair to those paying into the CFD. A contract could include cost escalations and the contract term and any contract extensions could be negotiated.

TULLOCH stated that the contract would be reviewed early enough so that if the POM decided not to renew or extend the contract that the Applicant will have ample time to find a replacement land manager.

WALLAR asked if either party could terminate the contract.

TULLOCH stated that there is standard severable contract language that would be included.

HANLEY stated that there is similar standard language included in County contracts.

WALLAR stated that this language would benefit the Applicant in case they found a better deal.

CURT NOLAND asked if land mitigated for Otay Ranch projects be transferred to and owned by the POM.

City of Chula Vista/MARISA LUNDSTEDT stated yes.

NOLAND asked why non-Otay Ranch projects did not have the same standings.

LUNDSTEDT stated that the POM JEPAs do not require the POM to manage lands mitigated by non-Otay Ranch developments. Therefore the POM has discretion as to whether or not they want to manage such lands.

NOLAND stated that the Wildlife Agencies typically require that an Applicant demonstrate management and maintenance in perpetuity. Contracts which do not require the land manager take fee title will not be sufficient for the Agencies.

WALLAR stated that the POM must be sensitive to Otay Ranch property owners and that any land management costs for non-Otay Ranch projects cannot be absorbed by the CFD. An alternative is for an Applicant to come to the City or County as a jurisdiction to manage these lands.

NOLAND asked what the difficulty is for the POM to take ownership of Preserve land whether it is mitigated for Otay Ranch or non-Otay Ranch projects. The land is just a piece of the bigger Preserve. POM should take fee title and take an endowment.

WALLAR stated that endowments are a concern. Typically, the upfront cost is large. POM would need to ensure that all possible costs are covered otherwise you run the risk that the endowment is not large enough and others would have to encumber the cost to manage these lands. Again, another

option is for the Applicant to ask the City or the County to take over management of these lands. This would cut the risks for the POM.

LUNDSTEDT stated that the Wildlife Agencies support the POM taking over management of all Preserve land. They may be more flexible with the contract concept if the land manager is the POM.

TOM TOMLINSON stated that he had similar concerns to NOLAND'S. The contract option does not do much for developers. He asked if the land could be transferred, i.e., to a HOA.

County of San Diego/CLAUDIA ANZURES stated yes, as long as the land is transferred to someone who can enter into a contract.

TOMLINSON stated that the Wildlife Agencies needs an entity named as the permanent steward of the land.

WALLAR stated she agreed with LUNDSTEDT in that the Wildlife Agencies may be willing to work with the POM and developers if the POM were to manage all of the Preserve.

HANLEY stated that POM Staff has the following recommendation: "Approve Eligibility and Review Criteria for the Non-Otay Ranch Project Mitigation Lands Program and direct Preserve Owner Manager (POM) Staff to bring forward to the POM Policy Committee for their consideration."

TULLOCH moved to approve the recommendation.

Motion seconded by WALLAR.

Motion carried.

5. Long-Term Implementation Program

(V.) HANLEY stated that the Long-Term Implementation Program is currently out for public review with comments due on February 4th. The Program is posted on the County's Department of Planning and Land Use (DPLU) home webpage as well as on the County's DPLU Otay Ranch webpage.

LUNDSTEDT stated that the Long-Term Implementation Plan is a summary of the RMPs and that there aren't additional requirements or new information other than information on the recent fires.

6. Eastern Otay Valley Regional Park (OVRP) Trails Planning

(VI.) City of Chula Vista/ED BATCHELDER stated that JPB Development (JPB) has approached the OVRP Joint Staff regarding trail planning from Heritage Road to lower Otay Lakes. JPB has submitted a binder containing

regulation documents for this area. OVRP Joint Staff requested a summary of the binder which was submitted to them in December 2007. The County, as a POM member, has submitted comments to Chula Vista. Chula Vista will be reviewing these comments. Chula Vista met with JPB to get more details on the trail planning, i.e. how in depth will the planning be? What is JPB's commitment to the planning, construction, maintenance, etc. JPB will be at the next OVRP Joint Staff meeting scheduled for Wednesday, January 23rd. At that meeting, they will discuss how the trail planning fits into the objectives of the OVRP, schedule review process, drawings (higher level drawings), outline of planning documents to accompany any trail plans, time table, and coordination with POM Staff, Preserve Management Team, and the Policy Committee. He would like to figure out a schedule based on JPB's proposed timetable and how it would fit into OVRP and POM meetings. JPB is to create a matrix with conflicts and inconsistencies in each of the regulatory documents. He stated that he would provide informational updates to the OVRP and POM Policy Committees.

WALLAR stated that this is exciting news. She asked if these trails are covered under existing environmental documents.

HANLEY stated no. These would be considered new trails.

BATCHELDER stated that these are new trails east of Heritage Road to lower Otay Lakes. The trails would mostly follow disturbed areas.

**7. Proposed Policy Committee Agenda for January 23, 2008
(VII.)** TULLOCH asked if the meeting start time was 1pm.

HANLEY stated that the start time was confirmed for 1pm. The agenda mirrors that from the last PMT agenda.

TULLOCH stated that additional Policy Committee meeting schedulers have been sent out showing 2-4pm. Should we assume that those meetings are to start at 1pm?

County of San Diego/RENÉE BAHL stated whatever is on the scheduler is the time the meeting will start. The schedulers are sent out based on Councilmember Rindone and Supervisor Cox's availability.

TULLOCH asked if the meeting is to be held in Chula Vista should Councilmember Rindone chair the meeting.

WALLAR stated typically yes, but Supervisor Cox can chair the meeting if needed.

LUNDSTEDT stated that Chula Vista may not have a meeting space available.

HANLEY stated that it was understood that the meeting is to be held in Chula Vista. If they do not have a location, the County will find a location and send out an announcement.

8. Next Meeting

(VIII.) WALLAR asked if the next Preserve Management Team meeting had been scheduled.

HANLEY stated that POM Staff is working on locking dates for the 2008 meetings. POM Staff will send out a calendar as soon as all meetings have been scheduled and confirmed.

WALLAR asked that the calendar could be confirmed by the next Policy Committee meeting.

HANLEY stated yes.

WALLAR motioned to have the proposed 2008 POM meeting dates by the next Policy Committee meeting.

TULLOCH seconded motion.

Motion carried.

9. Adjournment

(XII.) Motion to adjourn by TULLOCH at 4:35pm.

Motion seconded by WALLAR.

Motion carried.

ATTACHMENT A

| MEETING SIGN-IN SHEET | |
|---|---|
| Project: Otay Ranch Preserve Owner/Manager (POM) Preserve Management Team Meeting | Meeting Date/Time: January 9, 2008, 4:00 - 5:00 pm |
| Place/Room: County Administration Center, Tower 7 1600 Pacific Highway, San Diego, CA 92101 | |

| Name | Organization | Phone | E-Mail |
|--------------------|-----------------|----------------|---------------------------------|
| Cheryl Goddard | CoSD - DPR | (858) 916-1374 | cheryl.goddard@sdcountry.ca.gov |
| HARVE HANLEY | CoSD / DPR | (858) 966-1371 | Harve.Hanley@sdcounty.ca.gov |
| Lindsey Cavallaro | EDAW | (619) 233-1454 | Lindsey.Cavallaro@edaw.com |
| CURT NOLAND | OTAY LAND CO | 760 918 8200 | CNOLAND@HFC-CA.COM |
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| Jean Kilkenny | " " | " " | Skilkenny@otayranch.com |
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| Kim Kilkenny | " " | " " | " " |
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| Bob Pannor | Otay Land Co. | 760-918-8200 | bpannor@HFC-CA.COM |
| Tom Tomlinson | McMillin | 619 794-4649 | TTomlinson@mcmillin.com |
| Ramie Hunter | Otay Ranch | 619-234-4050 | rhunter@otayranch.com |
| Justin Craig | McMillin | 619-794-1323 | jcraig@mcmillin.com |
| M. Joe Beck | EHZ | 619-846-3003 | beckeh1@cox.net |
| JOSIE McNEELEY | CV | 619 409 5422 | |
| MARISA LUNDSTEDT | CV | " " 5422 | |
| EP BATCHELDER | CV | | |
| Michael de la Rosa | CoSD / District | | |
| Chandra Waller | CoSD / DCAO | | |
| Claudia Anguez | CoSD / Counsel | | |
| Renée E Bahl | CoSD / DPR | | |
| Brian Albright | CoSD / DPR | | |
| Dakaria Lynch | CoSD / DPLU | | |
| Scott Tulloch | CICV | | |